

EXECUTIVE SUMMARY

This document proposes a Federal consistency review strategy for the Albemarle-Pamlico (A/P) Estuarine Study, which satisfies Section 320(b)(7) of the Clean Water Act. The report also includes a list of Federal assistance programs, direct development activities, and Federal permit and licensing activities that should be considered in an A/P consistency review program.

A consistency review process encourages intergovernmental cooperation to minimize adverse effects from Federal activities that could jeopardize the implementation of the Comprehensive Conservation and Management Plan (CCMP). Such activities could include channelization, dredging, highway construction, and sewage treatment plant construction. Through the review process, the A/P Management Conference can scrutinize proposed Federal activities and identify potential conflicts with the CCMP. The review process also enables the Management Conference to comment on Federal programs which could enhance CCMP implementation.

Research Triangle Institute (RTI) examined existing consistency review programs coordinated by the North Carolina State Clearinghouse and the Division of Coastal Management (DCM). Options for integrating an A/P reviewer into the existing review programs were assessed. North Carolina's NPS consistency review process was examined as a model for designing an A/P consistency strategy. An independent A/P review process would duplicate existing State programs and was not considered. The 401 Certification Program was also eliminated from consideration because its limited scope (i.e., issuance of Federal licenses and permits) and criteria (i.e., water quality standards) cannot accommodate an A/P consistency program.

Section 320(b)(7) ties estuarine consistency programs to the requirements of Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs." EO 12372 allows States to review proposed Federal assistance applications and direct development plans. The EO requires Federal agencies to inform States of their activities, but does not obligate the Federal agencies to modify or suspend projects that raise State concerns. The Federal agencies may accept the State recommendation, negotiate project modifications with the State, or explain in detail why the State's recommendation cannot be accepted.

In North Carolina, the State Clearinghouse implements EO 12372. The Clearinghouse also coordinates the review of environmental impact documents submitted under the National Environmental Policy Act (NEPA) and the North Carolina Environmental Policy Act (NCEPA). The Clearinghouse receives plans for Federal assistance projects and direct development projects. The plans are distributed to interested State agencies and local governments for review. The Clearinghouse consolidates the comments from State and local reviewers into a State Process Recommendation. The State Process Recommendation and any dissenting comments